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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN JOSE DIVISION

20 IN RE iPhone/iPAD APPLICATION
21 CONSUMER PRIVACY LITIGATION

Case No.: 5:11-MD-02250-LHK

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR CLASS
CERTIFICATION**

Hearing Date: February 28, 2013
Time: 1:30 P.M.
Courtroom: 4

The Honorable Lucy H. Koh

1 **Notice of Motion**

2 PLEASE TAKE NOTICE that on February 28, 2012, at 1:30 p.m., or soon thereafter,
3 pursuant to Federal Rule of Civil Procedure 23(a) and 23(b)(2), Plaintiffs will, and hereby do,
4 move for an order certifying the following classes:

5 (a) the “iDevice Class” consisting of all persons or entities residing in the United
6 States and its territories who, from June 1, 2010, through the date the Court certifies the
7 Class, purchased or otherwise acquired iDevices running Apple’s iOS and downloaded to
8 their iDevice free Apps from the Apple App Store; and

9 (b) the “Location Services ‘Off’ Class” consisting of all persons or entities residing in
10 the United States and its territories who purchased or otherwise acquired iDevices and at
11 any time during June 21, 2010, through April 27, 2011, turned Location Services “off” on
12 their iDevices, but nevertheless, without their knowledge, notice, or consent, their
13 iDevices transmitted location data to Apple’s servers. Also included in this Class are all
14 persons or entities residing in the United States and its territories who purchased or
15 otherwise acquired iDevices, and at any time on or after June 21, 2010, turned Location
16 Services “off” on their iDevices, and who currently have iOS 4.0 or a prior iOS version
17 installed on their iDevices, but nevertheless, without their knowledge, notice, or consent,
18 their iDevices continue to transmit location data to Apple’s servers.

19 Plaintiffs also will, and hereby do, move for an order appointing Plaintiffs Anthony Chiu
20 and Cameron Dwyer as representatives of the iDevice Class, Plaintiffs Isabella and Alejandro
21 Capiro as representatives of the Location Services “Off” Class, and KamberLaw, LLC as Class
22 Counsel.

23 This motion is based on the Notice of Motion, the Memorandum of Points and
24 Authorities, the Declaration of Scott A. Kamber (“Kamber Decl.”) and exhibits attached thereto,
25 and the Declaration of Deborah Kravitz and exhibits attached thereto, including the Declaration
26 of Manuel Egele, Dr. techn., and the record in this action.

1 **STATEMENT OF ISSUES TO BE DECIDED (Local Rule 7-4(a)(3))**

- 2 1. Whether Plaintiffs satisfy the requirements of Federal Rule of Civil Procedure 23(a);
3 and
4 2. Whether Plaintiffs satisfy the requirements of Federal Rule of Civil Procedure
5 23(b)(2).

6
7 Dated: December 17, 2012

KAMBERLAW, LLC

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